

# HOUSE BILL No. 1029

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 8-3.

**Synopsis:** Minimum crew size. Provides that the crew of a freight train must consist of at least two individuals. Imposes penalties for violations of the minimum crew requirement. Deposits the penalties in the industrial rail service fund.

**Effective:** July 1, 2016.

---

---

## Bacon

---

---

January 5, 2016, read first time and referred to Committee on Roads and Transportation.

---

---



Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

## HOUSE BILL No. 1029

A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 8-3-1.7-2 IS AMENDED TO READ AS  
2       FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) There is created  
3       a fund known as the industrial rail service fund. The fund shall consist  
4       of money distributed to the fund by IC 6-2.5-10-1, ~~and~~ IC 8-3-1.5-20,  
5       **and IC 8-3-2-17**. Amounts held in the fund may only be used to do the  
6       following:

7               (1) Provide loans to railroads that will be used to purchase or  
8               rehabilitate real or personal property that will be used by the  
9               railroad in providing railroad transportation services.

10              (2) Pay operating expenses of the Indiana department of  
11              transportation, subject to appropriation by the general assembly.

12              (3) Provide fifty thousand dollars (\$50,000) annually to the  
13              Indiana department of transportation for rail planning activities.  
14              Money distributed under this subdivision does not revert back to  
15              the state general fund at the end of a state fiscal year.

16              (4) Provide money for the high speed rail development fund under  
17              IC 8-23-25.



(5) Provide grants to a railroad owned or operated by a port authority established under IC 8-10-5.

(6) Make grants to a Class II or a Class III railroad for the rehabilitation of railroad infrastructure or railroad construction.

(b) A grant made under subsection (a)(5) may not exceed twenty percent (20%) of the gross sales and use tax receipts deposited in the fund under IC 6-2.5-10-1 during the fiscal year preceding the fiscal year in which the grant is made.

(c) A grant program under subsection (a)(6) must:

(1) provide a grant to a recipient of not more than seventy-five percent (75%) of the cost of the project; and

(2) require a grant recipient to pay for not more than twenty-five percent (25%) of the cost of a project.

SECTION 2. IC 8-3-2-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 17. (a) This section does not apply to the operation of a train or light engine by engine hostlers or utility employees.**

**(b) A carrier subject to this chapter may not operate a train or light engine to transport freight unless the train or light engine has a crew that consists of at least two (2) individuals who satisfy the requirements of all applicable state and federal laws and regulations concerning the operation of a train or light engine.**

**(c) A carrier that violates subsection (b) is subject to a civil penalty as follows:**

**(1) For a first violation, five hundred dollars (\$500).**

**(2) For a second violation that occurs not more than three (3) years after a first violation, two thousand dollars (\$2,000).**

**(3) For a third or subsequent violation that occurs not more than three (3) years after the immediately preceding violation, seven thousand five hundred dollars (\$7,500).**

**(d) A civil penalty imposed under this section shall be deposited in the industrial rail service fund created by IC 8-3-1.7-2.**

